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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-PASS TECHNOLOGIES, INC.,
Plaintiff,
v.
3COM, INC. and PALM, INC.,
Defendants.

No. C-00-2255 DLJ (EDL)
Related Cases

E-PASS TECHNOLOGIES, INC.,
Plaintiff,
v.
VISA INTERNATIONAL SERVICE
ASSOCIATION and VISA U.S.A., INC.,
Defendants.

No. C-03-4747 DLJ (EDL)
Related Cases

E-PASS TECHNOLOGIES, INC.,
Plaintiff,
v.
PALMONE, INC., PALMSOURCE, INC.,
and HANDSPRING, INC.,
Defendants.

No. C-04-0528 DLJ (EDL)
Related Cases

**[PROPOSED STIPULATED] ORDER
ALLOWING JUDGMENT CREDITOR
ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S
JUDGMENT IN OTHER DISTRICTS**

**[PROPOSED STIPULATED] ORDER ALLOWING
JUDGMENT CREDITOR ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S JUDGMENT IN OTHER DISTRICTS
Case No. C-04-0528 DLJ (EDL)**

ORIGINAL

1 On November 19, 2007, this Court entered judgment in favor of ACCESS
2 Systems Americas, Inc. (formerly PalmSource, Inc.) ("ACCESS") awarding \$907,145.32 in fees
3 and \$32,432.57 in costs. On June 16, 2008, this Court amended that judgment to award
4 ACCESS the amount of \$939,577.82 in fees and \$32,432.57 in costs. Judgment Debtor E-Pass
5 Technologies, Inc. ("E-Pass") has appealed both the judgment and the amended judgment. Both
6 appeals are currently pending before the Court of Appeals for the Federal Circuit. ACCESS and
7 E-Pass have indicated to the Court that E-Pass has not satisfied the judgment in whole or in part.

8 ACCESS and E-Pass have stipulated to entry of an order under 28 U.S.C. § 1963,
9 permitting ACCESS to register the above-referenced judgments for enforcement in any other
10 district court, prior to the time when the judgment has become final by appeal. Entry of such an
11 order requires a showing of "good cause." 28 U.S.C. § 1963.

12 The averments of ACCESS and E-Pass provide good cause for the requested
13 order. "Although there is no Ninth Circuit law defining 'good cause,' 'the courts that have
14 found good cause have generally based their decisions on an absence of assets in the judgment
15 forum, coupled with the presence of substantial assets in the registration forum.'" *Columbia*
16 *Pictures Television, Inc. v. Krypton Broadcasting of Birmingham, Inc.*, 259 F.3d 1186, 1197-98
17 (9th Cir. 2001) (internal citations omitted). ACCESS and E-Pass have averred that E-Pass does
18 not dispute that it lacks assets in California. ACCESS and E-Pass have averred that E-Pass does
19 not dispute that it possesses at least one bank account in New York. ACCESS and E-Pass have
20 averred that E-Pass does not dispute that E-Pass possesses at least one United States Patent.
21 ACCESS and E-Pass have averred that E-Pass does not dispute that it possesses foreign patents
22 that have not been specifically identified to ACCESS. Accordingly, the averments of the parties
23 suggest the absence of E-Pass assets in California and the presence of E-Pass assets in certain
24 other districts, and the parties stipulate, subject to this Court's approval, that ACCESS Systems

25 ///

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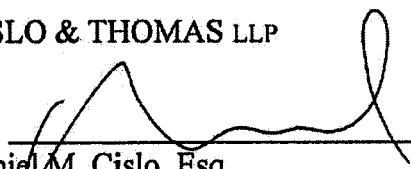
28 **[PROPOSED STIPULATED] ORDER ALLOWING
JUDGMENT CREDITOR ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S JUDGMENT IN OTHER DISTRICTS
Case No. C-04-0528 DLJ (EDL)**

1 Americas, Inc. (formerly PalmSource, Inc.) may register this Court's judgment for enforcement
2 in any district other than the Central District of California by filing a certified copy of the
3 judgment in any such other districts.
4

5 SO STIPULATED

6 CISLO & THOMAS LLP

7 ROPES & GRAY LLP

8 By: 
9 Daniel M. Cislo, Esq.
10 Kelly W. Cunningham, Esq.

8 By: 
9 Andrew T. Oliver, Esq.

11 Attorneys for Plaintiff
12 E-PASS TECHNOLOGIES, INC.

11 Attorneys for Defendant
12 ACCESS SYSTEMS AMERICAS, INC.

13 Dated: September 3, 2008

13 Dated: September 5, 2008

14
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16 **ORDER**

17 Therefore, upon consideration of the parties' joint submission, the Court
18 **ORDERS:**

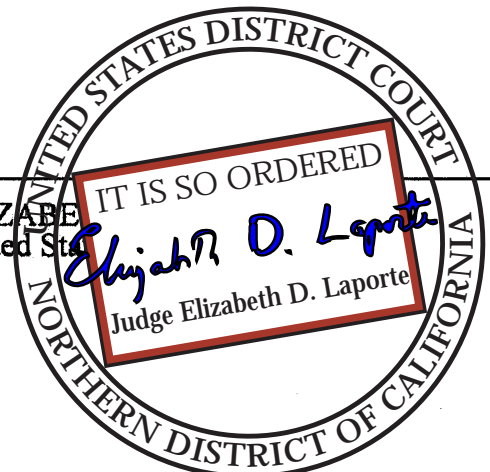
19 Pursuant to 28 U.S.C. § 1963, Judgment Creditor ACCESS Systems Americas,
20 Inc. (formerly PalmSource, Inc.) may register this Court's judgment for enforcement in any
21 district other than the Central District of California by filing a certified copy of the judgment in
22 any such other districts.
23

24 SO ORDERED.

25
26 Dated: September 9, 2008

26 By: _____

27 ELIZABETH
27 United States



28 T:\08-20696\Stipulation to allow decision in other districts II.DOC